

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KEVIN JAMES KOHUTE, *et al.*

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v.

CIVIL ACTION NO. 6:18cv235

MANJU GANERIWALA, *et al.*

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (Docket No. 16), filed on August 9, 2018, recommends that Plaintiffs Kevin James Kohute and Pamela Joyce Nichols' complaint be dismissed with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B). Ms. Nichols, proceeding *pro se*, filed written objections on August 14, 2018.¹ Mr. Kohute received the Report and Recommendation on August 13, 2018 and has not filed written objections.

In her written objections, Ms. Nichols merely asserts that "Kerri Puneky killed [her] sister" and that she is seeking \$95,000,000.00.² The objection does not assert a basis for diversity jurisdiction or a federal cause of action. As a result, Ms. Nichols has not met her burden of establishing federal jurisdiction and she has not alleged facts stating a

¹ Ms. Nichols additionally filed exhibits on August 16, 2018 (Docket No. 18), August 20, 2018 (Docket No. 21) and August 24, 2018 (Docket No. 22).

² See Objection, Docket No. 17.

cause of action upon which relief may be granted.

Having made a *de novo* review of the written objections filed by Ms. Nichols in response to the Report and Recommendation, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit.

Accordingly, the Court **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 16) as the findings and conclusions of this Court and **OVERRULES** the objections (Docket No. 17).

It is, therefore, **ORDERED** that Plaintiffs Kohute and Nichols' complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. 28 U.S.C. § 1915(e)(2)(B).

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 19th day of September, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE